

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION

In re MASSEY ENERGY CO. SECURITIES  
LITIGATION

CIVIL ACTION NO. 5:10-cv-00689

**JOINT MOTION OF MASSEY ENERGY COMPANY AND THE OUTSIDE DIRECTOR  
DEFENDANTS TO DISMISS THE CONSOLIDATED  
AMENDED CLASS ACTION COMPLAINT**

Defendants James B. Crawford, Robert H. Foglesong, Richard M. Gabrys, E. Gordon Gee, Lady Barbara Thomas Judge, Dan R. Moore, Stanley C. Suboleski, and Massey Energy Company (collectively "Defendants"), by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby jointly move the Court to dismiss the Consolidated Amended Complaint on the ground that it fails to state a claim against the Defendants upon which relief can be granted. In support of this Joint Motion, the Defendants rely upon the Declaration of Julie A. North, including Exhibits A through H attached thereto, as well as the accompanying Memorandum of Law.

April 25, 2011

Respectfully submitted,

/s/Jonathan L. Anderson

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Judge, Dan R. Moore and Stanley C.  
Suboleski.**

**CERTIFICATE OF SERVICE**

I, Jonathan L. Anderson, hereby certify that on April 25, 2011, I electronically filed the foregoing *Joint Motion of Massey Energy Company and the Outside Director Defendants to Dismiss the Consolidated Amended Class Action Complaint* with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

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I hereby certify that I have mailed the foregoing document by United States Postal Service to the following non-CM/ECF participants:

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